

Application Serial No. 10/050,957
Reply to Office Action dated March 1, 2004

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 4, and 6-11 are presently active in this case, Claims 1, 4, and 6-10 having been amended and Claims 2, 3, and 5 having been canceled without prejudice or disclaimer by way of the present Amendment.

In the outstanding Official Action, the Information Disclosure Statement (IDS) filed on April 29, 2002, was indicated as failing to comply with 37 CFR 1,98(a)(3). The Applicant respectfully traverses this assertion. MPEP 609 III.A(3) states that “[w]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an ‘X’, ‘Y’, or ‘A’ indication on a search report.” The Applicant notes that the portion of the search report was filed with the IDS, which indicated that the FR 2,673,355 reference was designated with both an “X” designation and a “D” designation. Furthermore, an English translation of the category designations was also submitted with the IDS, which indicated that an “X” designation indicates a reference is

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“particularly relevant if taken alone” and that a “D” designation indicates a “document [is] cited in the application.” Accordingly, the Applicant submits that the IDS filed on April 29, 2002, does comply with 37 CFR 1,98(a)(3), and therefore the Applicant requests that the Examiner consider the FR 2,673,355 reference and provide the Applicant with acknowledgement of the consideration of that reference.

Claims 1, 3, 4, and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al. (U.S. Patent No. 4,200,255). Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Dudley (U.S. Patent No. 4,634,051). Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Dudley in view of Carrick (U.S. Patent No. 5,154,240). For the reasons discussed below, the Applicant requests the withdrawal of the art rejections.

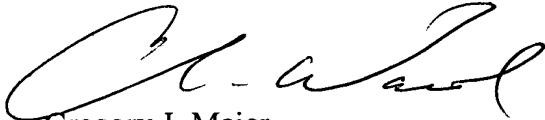
Claims 5-10 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The subject matter of allowable Claim 5 and intervening Claim 2 have been incorporated into Claim 1. Accordingly, the Applicant submits that Claim 1, and dependent Claims 4 and 11 are in condition for allowance. Claims 6-10 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims, and thus Claims 6-10 are in condition for allowance.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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